

OLF 7 (Official Local Form 7)

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

In re Joseph R Allen

Case No. 16-14344

Chapter 13

Debtor

DECLARATION RE: ELECTRONIC FILING

PART I - DECLARATION

I[We] D. Anthony Sottile and \_\_\_\_\_

\_\_\_\_\_, hereby declare(s) under penalty of perjury that all of the information contained in my Notice of Mortgage Payment Change (singly or jointly the "Document"), filed electronically, is true and correct. I understand that this DECLARATION is to be filed with the Clerk of Court electronically concurrently with the electronic filing of the Document. I understand that failure to file this DECLARATION may cause the Document to be struck and any request contained or relying thereon to be denied, without further notice.

I further understand that, pursuant to the Massachusetts Electronic Filing Local Rule (MEFR) 7(b), all paper documents containing original signatures executed under the penalties of perjury and filed electronically with the Court are the property of the bankruptcy estate and shall be maintained by the authorized CM/ECF Registered User for a period of five (5) years after the closing of this case.

Dated: 4/15/2019

  
\_\_\_\_\_  
(Affiant)

\_\_\_\_\_  
(Joint Affiant)

PART II - DECLARATION OF ATTORNEY (IF AFFIANT IS REPRESENTED BY COUNSEL)

I certify that the affiant(s) signed this form before I submitted the Document, I gave the affiant(s) a copy of the Document and this DECLARATION, and I have followed all other electronic filing requirements currently established by local rule and standing order. This DECLARATION is based on all information of which I have knowledge and my signature below constitutes my certification of the foregoing under Fed. R. Bankr. P. 9011. I have reviewed and will comply with the provisions of MEFR 7.

Dated:

Signed: \_\_\_\_\_  
(Attorney for Affiant - /s/used by Registered ECF Users Only)

Fill in this information to identify the case:

Debtor 1 Joseph R Allen

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: District of Massachusetts

Case number 16-14344

Official Form 410S1

**Notice of Mortgage Payment Change**

12/15

If the debtor's plan provides for payment of postpetition contractual installments on your claim secured by a security interest in the debtor's principal residence, you must use this form to give notice of any changes in the installment payment amount. File this form as a supplement to your proof of claim at least 21 days before the new payment amount is due. See Bankruptcy Rule 3002.1.

Name of creditor: U.S. Bank Trust National Association,  
as Trustee of the Tiki Series III Trust Court claim no. (if known): 1-2

Last 4 digits of any number you use to  
identify the debtor's account: 4 3 8 6

Date of payment change:  
Must be at least 21 days after date 06/01/2019  
of this notice

New total payment: \$ 2,356.67  
Principal, interest, and escrow, if any

**Part 1: Escrow Account Payment Adjustment**

1. Will there be a change in the debtor's escrow account payment?

☐ No

☒ Yes. Attach a copy of the escrow account statement prepared in a form consistent with applicable nonbankruptcy law. Describe the basis for the change. If a statement is not attached, explain why: \_\_\_\_\_

Current escrow payment: \$ 506.44

New escrow payment: \$ 715.67

**Part 2: Mortgage Payment Adjustment**

2. Will the debtor's principal and interest payment change based on an adjustment to the interest rate on the debtor's variable-rate account?

☒ No

☐ Yes. Attach a copy of the rate change notice prepared in a form consistent with applicable nonbankruptcy law. If a notice is not attached, explain why: \_\_\_\_\_

Current interest rate: \_\_\_\_\_%

New interest rate: \_\_\_\_\_%

Current principal and interest payment: \$ \_\_\_\_\_

New principal and interest payment: \$ \_\_\_\_\_

**Part 3: Other Payment Change**

3. Will there be a change in the debtor's mortgage payment for a reason not listed above?

☒ No

☐ Yes. Attach a copy of any documents describing the basis for the change, such as a repayment plan or loan modification agreement. (Court approval may be required before the payment change can take effect.)

Reason for change: \_\_\_\_\_

Current mortgage payment: \$ \_\_\_\_\_

New mortgage payment: \$ \_\_\_\_\_

Debtor 1 Joseph R Allen  
First Name Middle Name Last Name

Case number (if known) 16-14344

**Part 4: Sign Here**

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number.

Check the appropriate box.

☐ I am the creditor.

☒ I am the creditor's authorized agent.

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

x 

Signature

Date 04/15/2019

Print: D. Anthony Sottile  
First Name Middle Name Last Name

Title Authorized Agent for Creditor

Company Sottile & Barile, LLC

Address 394 Wards Corner Road, Suite 180  
Number Street  
Loveland OH 45140  
City State ZIP Code


Contact phone 513-444-4100

Email bankruptcy@sottileandbarile.com

SN Servicing Corporation  
323 FIFTH STREET  
EUREKA, CA 95501  
For Inquiries: (800) 603-0836  
Main Office- NMLS ID #5985, Branch Office- NMLS ID #9785

Analysis Date: April 12, 2019

PAMELA E ALLEN  
8 BUFORD RD  
PEABODY MA 01960

Loan:   
Property Address:  
8 BUFORD ROAD  
PEABODY, MA 01960

### Annual Escrow Account Disclosure Statement Account History

This is a statement of actual activity in your escrow account from Sept 2018 to May 2019. Last year's anticipated activity (payments to and from your escrow account) is next to the actual activity.

Payment Information			Escrow Balance Calculation	
Current:	Effective Jun 01, 2019:		Due Date:	Jun 01, 2015
Principal & Interest Pmt:	1,641.00	1,641.00	Escrow Balance:	(22,734.03)
Escrow Payment:	506.44	715.67	Anticipated Pmts to Escrow:	24,309.12
Other Funds Payment:	0.00	0.00	Anticipated Pmts from Escrow (-):	0.00
Assistance Payment (-):	0.00	0.00	Anticipated Escrow Balance:	\$1,575.09
Reserve Acct Payment:	0.00	0.00		
Total Payment:	\$2,147.44	\$2,356.67		

Date	Payments to Escrow		Payments From Escrow		Description	Escrow Balance	
	Anticipated	Actual	Anticipated	Actual		Required	Actual
					Starting Balance	0.00	(19,196.05)
Sep 2018		506.44		*		0.00	(18,689.61)
Oct 2018			1,080.80	*	City/Town Tax	0.00	(19,770.41)
Nov 2018		506.44		*		0.00	(19,263.97)
Nov 2018			420.84	*	Escrow Disbursement	0.00	(19,684.81)
Dec 2018		506.44		*		0.00	(19,178.37)
Dec 2018			164.84	*	Escrow Disbursement	0.00	(19,343.21)
Jan 2019		506.44		*		0.00	(18,836.77)
Jan 2019		750.23		*	Escrow Only Payment	0.00	(18,086.54)
Jan 2019			164.55	*	Escrow Disbursement	0.00	(18,251.09)
Jan 2019			2,502.88	*	City/Town Tax	0.00	(20,753.97)
Jan 2019			2,097.00	*	Homeowners Policy	0.00	(22,850.97)
Feb 2019		506.44		*		0.00	(22,344.53)
Mar 2019		506.44		*		0.00	(21,838.09)
Apr 2019		506.44		*		0.00	(21,331.65)
Apr 2019			1,402.38	*	City/Town Tax	0.00	(22,734.03)
					Anticipated Transactions	0.00	(22,734.03)
Apr 2019		23,802.68					1,068.65
May 2019		506.44					1,575.09
	\$0.00	\$28,604.43	\$0.00	\$7,833.29			

An asterisk (\*) indicates a difference from a previous estimate either in the date or the amount. If you want a further explanation, please call our toll-free number.

Last year, we anticipated that payments from your account would be made during this period equaling \$0.00. Under Federal law, your lowest monthly balance should not have exceeded \$0.00 or 1/6 of the anticipated payment from the account, unless your mortgage contract or State law specifies a lower amount. Your mortgage contract and State law are silent on this issue.



SN Servicing Corporation Final  
For Inquiries: (800) 603-0836  
Main Office- NMLS ID #5985, Branch Office- NMLS ID #9785

Analysis Date: April 12, 2019

PAMELA E ALLEN

Loan: [REDACTED]

**Annual Escrow Account Disclosure Statement  
Projections for Coming Year**

This is an estimate of activity in your escrow account during the coming year based on payments anticipated to be made to and from your account.

Date	Anticipated Payments		Description	Escrow Balance	
	To Escrow	From Escrow		Anticipated	Required
			Starting Balance	1,575.09	1,999.24
Jun 2019	680.32			2,255.41	2,679.56
Jul 2019	680.32			2,935.73	3,359.88
Aug 2019	680.32	1,080.80	City/Town Tax	2,535.25	2,959.40
Sep 2019	680.32			3,215.57	3,639.72
Oct 2019	680.32			3,895.89	4,320.04
Nov 2019	680.32	1,080.80	City/Town Tax	3,495.41	3,919.56
Dec 2019	680.32	2,097.00	Homeowners Policy	2,078.73	2,502.88
Jan 2020	680.32			2,759.05	3,183.20
Feb 2020	680.32	2,502.88	City/Town Tax	936.49	1,360.64
Mar 2020	680.32			1,616.81	2,040.96
Apr 2020	680.32			2,297.13	2,721.28
May 2020	680.32	1,402.38	City/Town Tax	1,575.07	1,999.22
	<u>\$8,163.84</u>	<u>\$8,163.86</u>			

(Please keep this statement for comparison with the actual activity in your account at the end of the escrow accounting computation year.)

Your escrow balance contains a cushion of \$1,360.64. A cushion is an additional amount of funds held in your escrow balance to prevent the balance from becoming overdrawn when an increase in the disbursement amount occurs. Under Federal law, your lowest monthly balance should not exceed \$1,360.64 or 1/6 of the anticipated payment from the account, unless your mortgage contract or State law specifies a lower amount. Your mortgage contract and State law are silent on this issue.

Your ending balance from the last month of the account history (escrow balance anticipated) is \$1,575.09. Your starting balance (escrow balance required) according to this analysis should be \$1,999.24. This means you have a shortage of \$424.15. This shortage may be collected from you over a period of 12 months or more unless the shortage is less than 1 month's deposit, in which case we have the additional option of requesting payment within 30 days. We have decided to collect it over 12 months.

We anticipate the total of your coming year bills to be \$8,163.86. We divide that amount by the number of payments expected during the coming year to obtain your escrow payment.

**New Escrow Payment Calculation**

Unadjusted Escrow Payment	680.32
Surplus Amount:	0.00
Shortage Amount:	35.35
Rounding Adjustment Amount:	0.00
Escrow Payment:	<u>\$715.67</u>

**Paying the shortage:** If your shortage is paid in full, your new monthly payment will be \$2,321.32 (calculated by subtracting the Shortage Amount to the left and rounding, if applicable). Paying the shortage does not guarantee that your payment will remain the same, as your tax or insurance bills may have changed. If you would like to pay the shortage now, please pay the entire amount of the shortage before the effective date of your new payment. To ensure that the funds are posted to your account correctly, please notify your asset manager that you are paying the shortage.

**NOTICE OF RIGHT TO CANCEL PRIVATE MORTGAGE INSURANCE:** If you currently pay private mortgage insurance premiums, you may have the right to cancel the insurance. In most cases, you have the right to cancel private mortgage insurance if the principal balance of your loan is 80 percent or less of the current fair market appraised value of your home, and you have a good payment history on your loan. If you want to learn whether you are eligible to cancel this insurance, please contact us at 323 Fifth Street, Eureka, Ca 95501 or 800-603-0836.

**\* Please note if you have autopay/EFT set up on your loan, it is your responsibility to make sure your payment amount is updated**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
BOSTON DIVISION

In Re: Case No. 16-14344  
Joseph R Allen Chapter 13  
Debtor. Judge Frank J. Bailey

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CERTIFICATE OF SERVICE

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I certify that on April 15, 2019, a copy of the foregoing Notice of Mortgage Payment Change was filed electronically. Notice of this filing will be sent to the following party/parties through the Court's ECF System. Party/Parties may access this filing through the Court's system:

George J. Nader, Debtor's Counsel  
nader@rileydever.com

Carolyn Bankowski, Chapter 13 Trustee  
13trustee@ch13boston.com

John Fitzgerald, Assistant United States Trustee  
ustpregion01.bo.ecf@usdoj.gov

I further certify that on April 15, 2019, a copy of the foregoing Notice of Mortgage Payment Change was mailed by first-class U.S. Mail, postage prepaid and properly addressed to the following:

Joseph R Allen, Debtor  
8 Buford Road  
Peabody, MA 01960

Dated: April 15, 2019

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D. Anthony Sottile  
Authorized Agent for Creditor  
Sottile & Barile, LLC  
394 Wards Corner Road, Suite 180  
Loveland, OH 45140  
Phone: 513.444.4100  
Email: bankruptcy@sottileandbarile.com

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